

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

REUBEN HERRERRA and  
RICO MENEFEE,

Plaintiffs,

Case no. 10-11215  
HON. JOHN CORBETT O'MEARA

v.

MICHIGAN DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

\_\_\_\_\_ /

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court having reviewed the March 2, 2011 Report and Recommendation filed by Magistrate Judge Paul J. Komives, as well as any objections thereto filed by the parties, and being fully advised in the premises;

IT IS HEREBY ORDERED that the report and recommendation is ADOPTED in its entirety as the findings and conclusions of this Court.

IT IS FURTHER ORDERED that Defendants' motions for more definite statement (doc. entries 62 and 86) are GRANTED, consistent with the report and recommendation.

IT IS FURTHER ORDERED that Defendants' motions to dismiss (doc. entries 24, 32, and 44), and Defendants' motions to dismiss/for summary judgment (doc. entries 63 and 96) are DENIED without prejudice, consistent with the report and recommendation.

IT IS FURTHER ORDERED that Plaintiffs' motions for default judgment (doc. entries 34 and 37) are DENIED.

s/John Corbett O'Meara

United States District Judge

Date: March 22, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 22, 2011, using the ECF system and upon Rueben Herrera at Thumb Correctional Facility, 3225 John Conley Drive, Lapeer, MI 48446, and Rico Menefee at Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 by first-class U.S. mail.

s/William Barkholz

Case Manager